

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION §
OF JAMES ARTHUR BIGGINS § No. 256, 2010
FOR A WRIT OF CERTIORARI §

Submitted: May 19, 2010
Decided: July 8, 2009

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY** Justices.

ORDER

This 8th day of July 2010, upon consideration of James Arthur Biggins’ petition for a writ of certiorari, as well as the State’s answer and motion to dismiss, it appears to the Court that:

(1) Biggins seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of certiorari directing the Superior Court “to review the dismissal of Motion for Dismissal of under [sic] Interstate Compact and Extradiction [sic] Act...”¹ We conclude that Biggins’ petition manifestly fails to invoke the original jurisdiction of this Court and therefore must be DISMISSED.

(2) A writ of certiorari is an extraordinary remedy that is used to correct irregularities in the proceedings of a trial court.² Certiorari is available to challenge only a final order of a trial court where the right of appeal is denied, a grave question of public policy and interest is involved, and no other basis for review is

¹ Del. Const. art. IV, § 11(5).

available.³ “Where these threshold requirements are not met, this Court has no jurisdiction to consider the petitioner's claims.”⁴

(3) The Superior Court docket in Biggins’ criminal case does not reflect that Biggins ever filed a motion to dismiss “under the Interstate Compact” or that the Superior Court ever dismissed or denied such a motion. The extraordinary writ of certiorari is not an appropriate remedy for Biggins to seek review of his claim in the first instance by this Court. Because Biggins has failed to meet the threshold requirements for the issuance of a writ of certiorari, we conclude that his petition must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of certiorari is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

² *In re Butler*, 609 A.2d 1080, 1081 (Del. 1992).

³ *Id.*

⁴ *Id.*